

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KAIROS CREDIT STRATEGIES OPERATING  
PARTNERSHIP, LP,

*Plaintiff,*

23-cv-2960 (AS)

- against -

**AMENDED JUDGMENT**

THE FRIARS NATIONAL ASSOCIATION, INC.,  
*et al.,*

*Defendants.*  
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WHEREAS:

A. Plaintiff, Kairos Credit Strategies Operating Partnership, L.P. (“Kairos”), filed a motion for summary judgment on October 18, 2023 (the “Motion”) by which it sought, among other relief, judgment on the first and second counts of the complaint, that is, to foreclose on Kairos’s mortgage on the real property and on its security interest in the personal property of defendant The Friars National Association, Inc. (“Friars Club”) (Dkt. 88-93);

B. By Memorandum Opinion and Order filed on December 12, 2023 (Dkt. 119) (the “Order”), the Court: (i) granted the Motion as to Kairos’s claims against the Friars Club on the first and second counts of the complaint; (ii) denied the Motion without prejudice in all other respects; (iii) directed Kairos to meet and confer with all other interested parties in the action and file a proposed judgment to resolve this case by December 22, 2023; (iv) stated that Kairos may file a letter of no more than 5 single-spaced pages in support of the proposed judgment; (v) directed that Kairos serve the proposed judgment and supporting letter on all defaulting defendants by December 29, 2023; (vi) stated that any party objecting to the proposed judgment may submit a letter of no more than 5 single-spaced pages explaining their reasons for objecting by January 8, 2024; and (vii) stated that Kairos may file a reply by January 12, 2024;

C. On January 31, 2024, the Court entered an order granting summary judgment (Dkt. No. 127). On May 16, 2024, the Court Order dated May 16, 2024 (Dkt. No. 136) in which it noted that the Judgment did not reflect that summary judgment was granted against the Friars Club on the first and second counts of the Complaint and directing Kairos to meet and confer with the Friars Club and to submit a letter by May 20, 2024 "indicating whether the parties think that it is necessary to amend the judgment entered at Dkt. 127 to reflect that summary judgment was also granted for Kairos on counts one and two of the complaint." As set forth in Kairos' letter dated May 20, 2024 (Dkt No. 138) (the "May 20, 2024 Letter"), Kairos and the Friars Club, by and through their respective counsel, conferred by telephone and Friars Club, through counsel, advised that it had no objection to the revisions of this proposed amended judgment.

D. The Court having received and reviewed the proposed amended judgment, the May 20, 2024 Letter, and all other relevant papers filed in the case, and it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Kairos is awarded summary judgment, pursuant to Fed. R. Civ. P. 56, against defendants Friars Club and Hotel Restaurant & Club Employees and Bartenders Union Local 6 ("Union") and Club Employees' Pension Fund ("Fund") on the first and second counts of the complaint; *provided* that: (a) the Union and Fund shall retain their right to assert their proper priority to recover amounts due to them on their judgment lien against the Friars Club from the surplus proceeds, if any, from a sale of the Friars Club's property after payment of all amounts the Court shall determine are properly payable to Kairos, (b) the Union shall retain its rights, if any, under applicable law and the Collective Bargaining Agreement between the Union and the Friars Club, and (c) the Fund shall retain its rights against the Friars Club, if any, with respect to the

Multiemployer Pension Plan Amendments Act of 1980 (“MPPAA”) from a sale of the Friars Club property after payment of all amounts the Court shall determine are properly payable to Kairos;

2. Judgment of default is hereby granted, pursuant to Fed. R. Civ. P. 55(b)(2), against each of defendant City of New York Department of Environmental Control and defendant New York City Finance Administration Bureau of Compliance and Collection;

4. The final judgment of foreclosure and sale shall provide that such sale will be subject to the prior liens (if any) of the New York State Department of Labor and the New York State Department of Tax;


5. This action is referred to Magistrate Judge Robin Tarnofsky; Kairos shall promptly submit to the Magistrate Judge a detailed calculation of all amounts due under the Loan Documents (as defined in the Motion); and upon such further submissions by the parties and proceedings as the Magistrate Judge shall deem appropriate, the Magistrate Judge shall submit to the Court and file a report and recommendation detailing the amounts due to Kairos under the Loan Documents (the “Magistrate’s Report”); and

5. No later than 21 days after the Magistrate Judge has submitted the Magistrate’s Report, Kairos shall file a motion with the Court seeking approval or modification of the Magistrate’s Report and entry of a final judgment of foreclosure and sale of the Friar Club’s property.

SO ORDERED.

The Clerk of Court is directed to vacate the judgment at Dkt. 127.

Dated: May 29, 2024  
New York, New York

  
ARUN SUBRAMANIAN  
United States District Judge